

3 May 1955

Memorandum for: The Director

Subject: Request from the House Judiciary
Committee for Comments on H. R. 3882.

1. The Internal Security Act of 1950 requires persons to register with the Department of Justice if they have knowledge of or have received instruction in, the espionage or sabotage service or tactics of a foreign government. Exemption from registration for certain classes of persons are contained in the Act. These exemptions include those who obtained such knowledge through employment with the United States Government or have made full disclosure of such knowledge to officials of a United States intelligence agency, and concerning whom a written determination has been made by the Attorney General or the Director of Central Intelligence that registration would not be in the interest of national security. These exemptions would be re-enacted, and certain new exemptions are added, in H. R. 3882, now pending before the House Judiciary Committee, on which CIA comments have been requested by the Committee Chairman.

2. A new section (Sec. 3(d)) has been included in H. R. 3882 by the Department of Justice at the request of CIA, and, in particular, the CI Staff. This section would permit exemption from registration of certain persons (the majority of whom would be aliens concerning whom full information is in the possession of an intelligence agency of the United States) even though such information did not come from the individual himself. This exemption will cover those persons not employed by the United States Government or who are unwitting employees and who are not in a position to make the required written disclosure. It will also cover those persons from whom a written disclosure would be seriously adverse to the national interest and security.

3. We have sent Chairman Celler an interim reply to his letter requesting comments on H. R. 3882 while this final reply was in preparation. Several agencies, including the Department of State, G-2 and ONI have discussed with us the problem of possible retaliatory legislation in foreign countries if H. R. 3882 is

enacted, but both the Department of Justice and ourselves have pointed out that the basic provisions have been on the books for five years without any foreign retaliation, and that if anything the present Act increases the exemptions. We have discussed the legislation with the Department of Justice from this standpoint and they stated that they do not propose any additional alien questionnaires to elicit the type of information required by the statute; they point out that the statute is a criminal one and that their use of it arises largely in using it as a weapon against certain aliens in the United States where prosecution for illegal acts is deemed appropriate.

4. We have also indicated to the Department of Justice that we feel that if Section 3(d) of H.R. 3882 is enacted into law CIA would have no further need for Section 3(c), as we feel that Section 3(d) would be broad enough to encompass 3(c) cases. However, the Department of Justice is anxious to have both sections on the books and we certainly would have no objection.

5. It is recommended that you sign the attached letter to Chairman Celler.

OGC:WLP/blc

Orig. - Add.

2 - Signer ✓

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1 - CI Staff, Att: 

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Legislative Counsel